IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6281 of 1986
With
SPECIAL CIVIL APPLICATION No. 2036 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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LOK ADHIKAR SANGH & 2 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR GIRISH PATEL for Petitioner(s) : 1 - 3.
MR SP HASURKAR, AGP for Respondent(s) : 1,
MR HV CHHATRAPATI for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 23/03/2006

COMMON ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)

These petitions are filed by the hutment-dwellers who are occupying the place since last number of years. They are protected by the interim order of this court in their favour.

2. Mr. Girish Patel, learned counsel appearing for the petitioners stated at the bar that the petitioners have no objection in shifting to some other place provided they are given alternative accommodation. In view of the above, Mr. Hasurkar, learned AGP for the respondents stated at the bar that if proper representation is made, then the same may he considered and decided sympathetically by the competent authority in accordance with law and till then, they will not be disturbed.

3. In view of the above, learned counsel Mr. Patel seeks permission to withdraw both these petitions at this stage with a liberty to make proper representation to the authorities within one month from today. On receiving such representation, the authority shall consider the same sympathetically and decide it in accordance with law. Till then, the petitioners shall not be disturbed. While deciding their representation, the competent authority may also keep in mind the interim order dated 16th September, 1987 passed by the learned Single Judge of this court in Special Civil Application No.6281 of 1986. It is made clear that if the decision is adverse, then it will be open to the petitioners and the members to challenge the same before the appropriate

forum by way of appropriate proceedings. With these observations, both these petitions are disposed of as withdrawn. Rule discharged. No costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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